

2009R00069
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Plaintiff,

v.

CHUN-O KIM,
a/k/a "Michelle"

Defendant.

Honorable Susan D. Wigenton

Criminal No. 11-544 (SDW)

AMENDED ORDER OF FORFEITURE

WHEREAS, on August 11, 2011, the United States filed an Information in this case against Chun-O Kim, a/k/a "Michelle" (hereinafter "Defendant"), charging her with conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349, possession of fifteen or more unauthorized access devices with intent to defraud in violation of 18 U.S.C. §§ 1029 and 2, and aggravated identity theft in violation of 18 U.S.C. §§ 1028A and 2; and

WHEREAS, on August 11, 2011, the United States and defendant Chun-O Kim entered into a Plea Agreement whereby Defendant agreed to the forfeiture of \$1,230,546 in United States currency and to forfeit and abandon all right, title, and interest in the unauthorized credit cards seized from the Defendant's residence and business on or about February 1, 2008 (the "Property"), pursuant to 18 U.S.C. § 1029(c), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c); and

WHEREAS as part of the Plea Agreement defendant Chun-O Kim agreed to the destruction of the unauthorized credit cards seized from her residence and business on or about February 1, 2008; and

WHEREAS, on October 31, 2011, the Court entered a Consent Judgment and Preliminary Order of Forfeiture whereby a money judgment in the amount \$1,230,546.00 was entered against defendant Chun-O Kim and the unauthorized credit cards seized from the Defendant's residence and business on or about February 1, 2008 were preliminarily forfeited; and

WHEREAS it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the Defendant up to the value of \$1,230,546.00, if the proceeds or any portion thereof, as a result of any act or omission of Defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty; and

WHEREAS, the United States has not, as of this date, identified specific assets or identified any property of defendant Chun-O Kim that could be forfeited as substitute property; and

WHEREAS the unauthorized credit cards seized from the Defendant's residence and business on or about February 1, 2008 were originally seized and held for evidence, and, as memorialized in the Plea Agreement, defendant Chun-O Kim has agreed to abandon them; and

WHEREAS, in light of the fact that the Defendant has abandoned the unauthorized credit cards, notice on the official internet government forfeiture site, namely www.forfeiture.gov, is not required; and for good and sufficient cause shown,

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

THAT, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the Defendant shall forfeit to the United States the sum of \$1,230,546.00; and

THAT, consistent with the Plea Agreement, the unauthorized credit cards seized from the Defendant's residence and business on or about February 1, 2008 (1) are to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States and (2) are to be destroyed by the United States through its custodian; and

THAT, pursuant to Rule 32.2(c)(1), no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment; and

THAT a money judgment in the amount of \$1,230,546.00 shall be entered against the Defendant; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e); and

IT IS FURTHER ORDERED that the United States may move at any time pursuant to Rule 32.2(e) and 21 U.S.C. § 853(p) to amend this Order of Forfeiture to include substitute property having a value not to exceed \$1,230,546.00 to satisfy the forfeiture money judgment in whole or in part.

ORDERED this 28th day of February, 2012.



Honorable Susan D. Wigenton
United States District Judge